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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,707	03/24/2004	Rex A. Parris	E R K - 2004	5616

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EXAMINER

BOLLINGER, DAVID H

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,707

Applicant(s)

PARRIS ET AL.

Examiner

David H Bollinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11 through 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is narrative in form and fails to clearly set forth structure to define what constitutes a multipack arrangement. What structure connects the dispensers?

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Landis, II et al.

Landis, II et al teaches a wipe dispenser comprising : a container 12 for a plurality of wipes in a roll separate along perforations; a lid 13 and a disposal chamber 44 (see column 6 lines 36-41).

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by May et al.

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May et al teaches a wipe dispenser comprising: a container for containing a plurality of wipes having a closed bottom, sides and an open top; a lid 16 closing the open top; and a disposal chamber 12. See Figures 1 and 2.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al in view of Block.

Landis, II et al as interpreted above in paragraph 2 teaches everything except attachment means for attaching the container to disparate articles.

Block teaches providing attachment means 34 for permitting attachment of the dispenser at a desire location (see column 5 lines 28-44).

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It would have been obvious to one of ordinary skill in the art to provide Landis, II et al with such attachment means as taught by Block to permit the dispensing container to be secured at a desired location on disparate articles.

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al in view of Parkes et al.

Landis, II et al as interpreted above in paragraph 2 teaches everything except the specific materials from which the container is constructed.

Parkes et al teaches that containers on the type of Landis, II et al are constructed of semi-rigid plastic such as polyethylene and polypropylene (see column 3 lines 11-13).

In view of the teachings of Parkes et al that such containers as disclosed in Landis, II et al are constructed of plastics, it would have been obvious to one of ordinary skill in the art to construct the container of semi-rigid plastic, specifically polyethylene or polypropylene.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al in view of McPherson.

Landis, II et al as interpreted above in paragraph 2 teaches everything except the disposal chamber comprises a bag attached to the container.

McPherson teaches a dispensing container having a disposal chamber attached to the container. The disposal chamber taking the form of a bag 12 attached to the container (see Figures 1 and 2).

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It would have been obvious to one of ordinary skill in the art to provide Landis, II et al with a disposal chamber in the form of a bag attached to the container as taught by McPherson. This would provide the advantage of providing for disposal of used wipes as desired in Landis, II et al while maintaining the dispensing opening clear of used articles. Clearly a desirable result.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al in view of May et al.

Landis, II et al as interpreted above in paragraph 2 teaches everything except the disposal chamber being formed by a complementary telescoping hollow cylinder which slides over the sides of the container at the closed bottom of the container. May et al teaches the disposal chamber of a dispenser of tissues or towels which comprises a complementary shaped hollow structure which slides over the dispensing container.

In view of the teachings of May et al, it would have been obvious to one of ordinary skill in the art to employ a disposal chamber constructed as a complementary telescoping cylinder to slide over the closed bottom of the container of Landis, II et al. This would provide the advantage of providing for disposal of used wipes as desired in Landis, II et al while maintaining the dispensing opening clear of used articles. Clearly a desirable result.

12. Claims 11 through 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al in view of Cunningham.

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Landis, II et al as interpreted above in paragraph 2 teaches everything except providing for a multipack arrangement of wipe dispensers.

Cunningham teaches a multipack arrangement for containers when it is desired to provide multiple dispensers for purchase (see Figures 1-3).

It would have been obvious to one of ordinary skill in the art to provide a multipack of the dispenser containers of Landis, II et al in an arrangement such as taught by Cunningham as such grouping of containers for marketing is well known.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al in view of Cunningham as applied to claims 11 through 14, 19 and 20 above, and further in view of McPherson.

McPherson as applied above in paragraph 10.

It would have been obvious to one of ordinary skill in the art to provide the container of Landis, II et al as modified by Cunningham to provide a multipack arrangement with a disposal chamber in the form of a bag attached to the container as taught by McPherson. This would provide the advantage of providing for disposal of used wipes as desired in Landis, II et al while maintaining the dispensing opening clear of used articles. Clearly a desirable result.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landis, II et al in view of Cunningham as applied to claims 11 through 14, 19 and 20 above, and further in view of May et al.

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May et al as applied above in paragraph 11.

In view of the teachings of May et al, it would have been obvious to one of ordinary skill in the art to employ a disposal chamber constructed as a complementary telescoping cylinder to slide over the closed bottom of the container of Landis, II et al as modified by Cunningham to provide a multipack arrangement. This would provide the advantage of providing for disposal of used wipes as desired in Landis, II et al while maintaining the dispensing opening clear of used articles. Clearly a desirable result.

15. Claims 15 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


16. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H Bollinger whose telephone number is 703-308-1113. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H Bollinger
Primary Examiner 12/12/04
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